

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CARLOS GARCIA,	:	
Petitioner	:	
	:	No. 1:23-cv-00197
v.	:	
ACTING WARDEN RICKARD,	:	
Respondent¹	:	

ORDER

AND NOW, on this 24th day of July 2023, for the reasons set forth in the Memorandum accompanying this Order, **IT IS ORDERED THAT:**

1. Petitioner Carlos Garcia’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is **DISMISSED** for failure to exhaust administrative remedies;
2. The Clerk of Court is directed to **CLOSE** the above-captioned case.

s/ Sylvia H. Rambo
United States District Judge

¹ The Court observes that Garcia is incarcerated in USP Lewisburg and thus the appropriate (and only) respondent would be the warden of that prison. *See Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004) (“Whenever a . . . habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.”). According to Respondent, the new warden of USP Lewisburg is “Warden Sage.” (*See* Doc. No. 9 at 1 n.1.) Because Garcia’s Section 2241 petition must be dismissed, the Court declines to *sua sponte* adjust the caption and parties in this case.